

NISHIOKA & FUJIOKA  
A Law Corporation

GREG NISHIOKA 4004-0  
841 Bishop Street, Ste. 224  
Honolulu, Hawaii 96813-3902  
Telephone: (808) 524-8833  
greg@nishiokafuluiokalaw.com

Attys. for Plaintiff

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

SEP 14 2006

at 1 o'clock and 22 min. P M  
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

MOTORS INSURANCE CORPORATION	)	Civil No.04-00724 HG/BMK
and BIG ISLAND TOYOTA,	)	
	)	PLAINTIFFS' REQUEST FOR ENTRY
Plaintiffs,	)	OF DEFAULT AGAINST DEFENDANT
vs.	)	AMERICAN PACIFIC TRANSPORT CO.
	)	LTD.; DECLARATION OF COUNSEL;
YOUNG BROTHERS, LIMITED;	)	EXHIBITS A-B; ENTRY OF DEFAULT
HAWAIIAN ELECTRIC COMPANY,	)	AGAINST DEFENDANT AMERICAN
INC.; AMERICAN PACIFIC	)	PACIFIC TRANSPORT CO., LTD.;
TRANSPORT CO., LTD.; PIRELLI	)	CERTIFICATE OF SERVICE
CABLE NORTH AMERICA, INC.,	)	
	)	
Defendants.	)	

PLAINTIFFS' REQUEST FOR ENTRY OF DEFAULT AGAINST DEFENDANT  
AMERICAN PACIFIC TRANSPORT CO, LTD.

Plaintiffs, by and through their attorneys above-named, hereby request the Clerk of this Court to enter Default in the above-entitled action against Defendant American Pacific Transport Co., Ltd., on the grounds that American Pacific Transport Co., Ltd. failed to answer or otherwise defend against the Complaint filed against it on 12/01/04 or the First Amended Complaint filed against it on 10/19/06 and have entered no

EXHIBIT 3

appearance. This request is made pursuant to F.R.C.P. Rule 55, the Declaration of Counsel and exhibits attached hereto and the records and files herein.

Dated: Honolulu, Hawaii, September 14, 2006.

  
\_\_\_\_\_  
Greg Nishioka  
Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

MOTORS INSURANCE CORPORATION	)	Civil No.04-00724 HG/BMK
and BIG ISLAND TOYOTA,	)	
	)	
Plaintiffs,	)	DECLARATION OF GREG NISHIOKA
	)	
vs.	)	
	)	
YOUNG BROTHERS, LIMITED;	)	
HAWAIIAN ELECTRIC COMPANY,	)	
INC.; AMERICAN PACIFIC	)	
TRANSPORT CO., LTD.; PIRELLI	)	
CABLE NORTH AMERICA, INC.,	)	
	)	
Defendants.	)	
	)	

DECLARATION OF GREG NISHIOKA

COMES NOW GREG NISHIOKA and under penalty of perjury states that the following is true and based on personal knowledge:

1. Declarant is an attorney licensed to practice law before all Courts in the State of Hawaii and as an attorney for Plaintiffs familiar with the facts herein and authorized to make this Declaration.
2. That the Complaint herein was filed on December 1, 2004;
3. That Defendant AMERICAN PACIFIC TRANSPORT was served with the instant Complaint by Process Server Robert Tam on May 17, 2005. A copy of the Return of Service is attached hereto as Exhibit A;

EXHIBIT 3

4. That on October 19, 2005 a First Amended Complaint was filed;

5. That Defendant AMERICAN PACIFIC TRANSPORT was served with the First Amended Complaint by Process Server Robert Tam on November 14, 2005. A copy of the Return of Service is attached hereto as Exhibit B;

6. The defaulting defendant was served more than twenty (20) days ago and it has not answered or otherwise plead in this action.

7. Therefore Plaintiffs request entry of default by Clerk of this Court against American Pacific Transport for failure to answer or otherwise plead.

FURTHER DECLARANT SAITH NAUGHT.

Dated: Honolulu, Hawaii, September 14, 2006.

  
\_\_\_\_\_  
GREG NISHIOKA

EXHIBIT 3

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of Hawaii

MOTORS INSURANCE CORPORATION  
and BIG ISLAND TOYOTA

SUMMONS IN A CIVIL ACTION

V.

YOUNG BROTHERS, LIMITED;  
JOHN DOES 1-10;  
JANE DOES 1-10; and  
DOE ENTITIES 1-10

CASE NUMBER: CV 04-00724-HG-BMK

TO: (Name and address of Defendant)

AMERICAN PACIFIC TRANSPORT  
2635 Waiwai Loop  
Honolulu HI 96819  
Defendant Doe Entity 2

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

GREG NISHIOKA 4004-0  
841 Bishop St., Ste. 224  
Honolulu HI 96813  
Atty. for Plaintiff

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

CLERK

DATE

(By) DEPUTY CLERK

EXHIBIT A

EXHIBIT 3

AO 440 (Rev. 8/01) Summons in a Civil Action

## RETURN OF SERVICE

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE 5/17/05
NAME OF SERVER (PRINT) Robert Tam	TITLE process server

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Check one box below to indicate appropriate method of service

☒ Served personally upon the defendant. Place where served: thru Dusin Muraoka, Int'l mgr☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:☐ Other (specify):FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

MAY 18 2005

at 1 o'clock and 15 min. 1/2 PM  
WALTER A.Y.H. CHINN, CLERK

## STATEMENT OF SERVICE FEES

TRAVEL 6.00	SERVICES 50.00	TOTAL \$56.00
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## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 5/18/05  
Date

Signature of Server Robert Tam

841 Bishop St., Honolulu, HI

Address of Server

FOR AMERICAN Pacific Transport  
DUSIN MURAKADustin Muraoka  
Int'l Mgr  
0956 5/17/05

EXHIBIT 3

EXHIBIT A

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

NISHIOKA & FUJIOKA  
A Law Corporation

GREG NISHIOKA 4004-0  
841 Bishop Street, Ste. 224  
Honolulu, Hawaii 96813-3902  
Telephone: (808) 524-8833

Attys. for Plaintiff

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

NOV 10 2005

at 11 o'clock and 15 min M  
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

MOTORS INSURANCE CORPORATION	)	Civil No. 04-00724 HG-BMK
and BIG ISLAND TOYOTA,	)	
	)	
Plaintiffs,	)	FIRST AMENDED SUMMONS
vs.	)	IN A CIVIL ACTION
	)	
YOUNG BROTHERS, LIMITED;	)	
HAWAIIAN ELECTRIC COMPANY,	)	
INC.; AMERICAN PACIFIC	)	
TRANSPORT CO., LTD.; PIRELLI	)	
CABLE NORTH AMERICA, INC.,	)	
	)	
Defendants.	)	

FIRST AMENDED SUMMONS IN A CIVIL ACTION

TO:

HAWAIIAN ELECTRIC COMPANY, INC.  
13<sup>th</sup> Floor  
220 S. King St.  
Honolulu HI 96813  
Defendant

PIRELLI CABLE NORTH AMERICA, INC.  
Ste. 1600 Pauahi Tower  
1001 Bishop St.  
Honolulu, HI 96813  
Defendant

and

EXHIBIT

3

EXHIBIT

B

AMERICAN PACIFIC TRANSPORT  
2635 Waiwai Loop  
Honolulu HI 96819  
Defendant

YOU ARE HEREBY SUMMONED to and required to serve on Plaintiffs' attorney GREG NISHIOKA, 841 Bishop St., Ste. 224, Honolulu, Hawaii 96813 an answer to the First Amended Complaint which is served upon you with this First Amended Summons, within twenty (20) days after service of this First Amended summons on you, exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the First Amended Complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**SUE BEITIA**

\_\_\_\_\_  
Clerk

/s/ Alison Greaney

\_\_\_\_\_  
(By) Deputy Clerk

NOV 1 2005  
\_\_\_\_\_  
Date

EXHIBIT

**3**

EXHIBIT

**B**



FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

## RETURN OF SERVICE

Service of the First Amended Complaint;  
Summons and First Amended Summons

DATE: 11/14/05

at 10 o'clock and 15 min. M  
SUE BEITIA, CLERK

Name of Server: (PRINT) Robert Tam

Title: process server

☒ Served personally upon the Defendant American Pacific Transport  
Thru: Duain Muraoka, managerPlace where served. 2635 Waiwai Loop  
Honolulu, HI☐ Left copies thereof at defendant's dwelling house or usual place  
of above with person or suitable age and discretion residing therein.Name of person with whom First Amended Complaint; Summons and First  
Amended Summons were left☐ Returned unexecuted:☐ Other(specify):

## STATEMENT OF SERVICE FEES

Travel \$6.00	Services \$25.00	Total \$31.00
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## DECLARATION OF SERVER

I declare under penalty of perjury under the law of the United State of  
America that the foregoing information contained in the Return of service and  
Statement of Service Fees is true and correct.

Executed on 11/16/05

Date

Signature of Server  
Robert Tam

Address of Server

EXHIBIT 3

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

MOTORS INSURANCE CORPORATION	)	Civil No.04-00724 HG/BMK
and BIG ISLAND TOYOTA,	)	
	)	
Plaintiffs,	)	ENTRY OF DEFAULT AGAINST
	)	DEFENDANT AMERICAN PACIFIC
vs.	)	TRANSPORT CO., LTD.
	)	
YOUNG BROTHERS, LIMITED;	)	
HAWAIIAN ELECTRIC COMPANY,	)	
INC.; AMERICAN PACIFIC	)	
TRANSPORT CO., LTD.; PIRELLI	)	
CABLE NORTH AMERICA, INC.,	)	
	)	
Defendants.	)	

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ENTRY OF DEFAULT AGAINST  
DEFENDANT AMERICAN PACIFIC TRANSPORT CO., LTD.

It appearing that Defendant AMERICAN PACIFIC TRANSPORT CO., LTD. is in default for failure to answer or otherwise defend as required by law, default is hereby entered against it pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

Dated: Honolulu, Hawaii, SEP 13 2006.

SUE BEITIA  
Clerk of the Above-Entitled Court

/s/ Allison Greaney

Deputy Clerk, United States  
District Court, District of Hawaii

2006

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was duly mailed by way of first class mail, postage prepaid, or hand delivered to each of the following on the date it was filed with the Court:

Randolf Baldemor  
1099 Alakea St., Ste 1800  
Honolulu HI 96813

Susan A. Li  
Hawaiian Electric Co.  
P. O. Box 2750  
Honolulu HI 96840-0001  
Attys. for Defendant Hawaiian Electric

  
GREG NISHIOKA

FILED

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